

REMARKS

Re-consideration and further examination of the subject patent application in light of the present remarks is respectfully requested. Claims 1 to 27 stand rejected.

REJECTIONS UNDER 35U.S.C. SECTION 102 (B)

Claims 1, 8, 9, 14, 15, 17, 24 and 25 are rejected under 35 U.S.C. 102 (B) as being anticipated by Iannella (ODRL).

In response, Applicant argues that it is clear that the cited document (ODRL) does not disclose ALL of the features of the claimed invention.

To re-iterate, the claimed invention is concerned with the incorporation of a set of operations into a Digital Item, which is clearly defined as a "digital object containing structure, metadata and resources". As stated earlier, Iannella, while providing an overview of one suggested format for the expression of digital rights, does not explicitly (or implicitly) describe the provision of one or more resources and associated metadata (which define a set of operations), all within a single data file structure.

Examiner, at paragraph 5, suggests that Section 2.1 and Figure 1 teach the provision of metadata and resources within a single data file. However, Figure 1 merely describes a framework which may be utilized to allow a digital rights management system to interact with content. Indeed, when taken alone, Figure 1 is suggestive of a number of separate files/components, which serve as a framework for providing a digital rights management system.

Moreover, the description of ODRL does not clarify how the “core entities” of Figure 1 interact with each other. Indeed, the Examiner is referred to Section 1.1 (“The Bigger Picture”), where it is stated, in part, “It is envisaged that ODRL will “plug into” an open framework that enables peer-to-peer interoperability... ODRL can also be used as an [sic] mechanism to express rights statements on its own and to plug into existing DRM architectures and frameworks”. In other words, the ODRL framework is a structure that works in conjunction or alongside existing assets (i.e. resources) which are generally part of a larger complex system.

Applicant is claiming a completely different system, which is inherently simpler, more user friendly, and requires less maintenance and “integration” with existing systems. Applicant claims a method where the metadata which describes a set of operations is contained within a single file, along with the resource. The set of operations and the resource are packaged in the single file utilizing a defined structure (for ease of readability and use).

Iannella does not disclose the feature of combining both the metadata and the resource in a single file. Rather, Iannella discloses a framework that sits “on top” of an existing database/collection of resources, and interacts with said resources, as needed, to provide a Digital Rights Management framework.

There is no disclosure in Iannella of “incorporating a Digital Item manipulation method or methods defining said set of operations into the Digital Item”.

It is noted that the Examiner states that the structure is “inherent to any file containing separate sections”. By this statement, it is assumed that the Examiner suggests that the disclosure of Iannella (i.e. the use of an expression language to control the characteristics of a resource) “may” be incorporated into a single file

structure, and that, therefore, the claimed invention is implicitly disclosed.

Notwithstanding the fact that there is absolutely no disclosure in lannella of incorporating a Digital Item manipulation method or methods defining said set of operations into the Digital Item, Applicant suggests that if Examiner is making such an assertion, then the onus is on the Examiner to show that such a file structure is well known in the art, and that a skilled person would have been motivated to combine the disclosure of lannella with the postulated "file structure" to arrive at the claimed invention. However, such a test would most likely be brought under section 103.

Moreover, all dependent claims, namely 8, 9, 14, 15, 17, 24 and 25 are also novel, due to their dependency on claim 1.

REJECTIONS UNDER 35U.S.C. SECTION 103 (A)

Claims 2, 4, 6 and 7 are rejected under 35 U.S.C. 103 (A) as being unpatentable over Song (US publication no. 20020095429) in view of Applicant's Admitted Prior Art.

In response, applicant argues that Examiner has erred in construing Song. Applicant agrees with Examiner, that Song does not show steps a-d (as described by the Examiner at paragraph 15 of the report).

However, Applicant further argues that Examiner willfully ignores the preamble of the claim, despite the fact that the preamble includes an important structural AND manipulative difference. That is, the preamble limits the claim as whole to the enabling of a Digital Item to be consumed or otherwise manipulated. As stated above, a Digital Item inherently includes structure, metadata and resources.

Examiner states that paragraph 37 of Song discloses such a feature. However, as stated in the previous response, Song merely discloses the use of descriptors, where the descriptors merely ensure that a value is extracted each time the digital item is viewed. For example, with reference to paragraph 41, the "murCondition" describes conditions related to the commercial management and use rules of the resource for viewing by an end user (e.g. the date at which the resource was last updated, the fee to use each resource, etc.) There is no teaching of the incorporation of a set of operations with active method providing mechanisms by which the structure, metadata and resources are to be used.

Thus, even if Song is combined with admitted prior art, there is no teaching or suggestion of a method of enabling digital items to be consumed or otherwise manipulated by incorporating a digital item manipulation method or methods defining a set of operations into the digital item, as presently claimed.

Moreover, by virtue of their dependency on claim 2, claims 4, 6 and 7 are non-obvious over Song when combined with the admitted prior art.

Accordingly, we submit that the claimed invention is novel and non-obvious over the cited references, either when taken separately or in combination.

Applicant hereby requests reconsideration and reexamination thereof.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

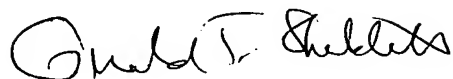
With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the

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Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerald T. Shekleton".

Dated: 3 November 2008

Gerald T Shekleton

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